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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,414

02/17/2004

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3065

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7590

07/03/2007

EXAMINER

TRAN, CON P

ART UNIT

PAPER NUMBER

2615

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/781,414	Applicant(s) BAYON, PAUL WILLIAM	
	Examiner Con P. Tran	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: claim 2, the period at the end of the claim 2 missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3** are rejected under 35 U.S.C. 102(e) as being anticipated by Landa U.S. Patent 7,127,074.

Regarding **claim 1**, Landa teaches a method by which pushing down one or more times within a short period of time (i.e., when the timed mute button is pushed) on a mute button (40, Fig. 1) for a device results in the mute function of the device staying mute for a period of time (until the timer expired; see Fig. 1, col. 3, lines 10-20).

Regarding **claim 2**, Landa teaches using claim 1 that provides an interface to control (i.e., engage the first mute period, col. 4, lines 40-45), set (multiple period) and or change the length of time (e.g., second muted period) for which the mute bottom is to stay in mute mode for each time the mute button is pushed in a shorter period of time (pressing once mutes ten minutes, second and subsequent depression will cause the second mute period of twenty minutes to begin, see col. 4, lines 46-60).

Regarding **claim 3**, Landa teaches using claim 1 that provides an interface to control (i.e., engage the first mute period, col. 4, lines 40-45), set (multiple period) and or change the length of time (e.g., second muted period) the device will use to differentiate between adding more periods of mute (pressing once mutes ten minutes, second and subsequent depression will cause the second mute period of twenty minutes to begin, see col. 4, lines 46-60) or the user desiring to override and turn the sound back on (a reset that would cause the baby monitor 5 to return to its initial state, i.e., sound is on, see col. 6, lines 32-39).

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4. **Claims 1-2** are rejected under 35 U.S.C. 102(e) as being anticipated by Hickie et al. U.S. Pub 20030135087 (hereinafter "Hickie").

Regarding **claim 1**, Hickie teaches a method by which pushing down one or more times within a short period of time (i.e., touch the mute alarm button) on a mute button (13, Fig. 3) for a device results in the mute function of the device staying mute for a period of time (e.g., 60 seconds; see Fig. 3, [0125]).

Regarding **claim 2**, Hickie teaches using claim 1 that provides an interface to control (i.e., add time), set (e.g., 60 seconds) and or change the length of time (e.g., up to 180 seconds) for which the mute button is to stay in mute mode for each time the mute button is pushed in a shorter period of time (pressing once mutes the alarm 60 seconds, pressing again adds another 60 seconds, see [0125]).

3. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Wolff U.S. Patent 3,870,956.

Regarding **claim 1**, Wolff teaches a method by which pushing down one or more times within a short period of time on a mute button (i.e., pushing a push button switch 41 in Figure) for a device results in the mute function of the device staying mute for a period of time (order of one minute; col. 2, lines 47-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Con P. Tran whose telephone number is (571) 272-7532. The examiner can normally be reached on M - F (8:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Vivian C. Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cpt CPJ
June 20, 2007


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